

Serial No. 09/937,996

Art Unit: 3664
Examiner: Dalena Tran**REMARKS**

In response to the Patent Office Letter of August 16, 2010, the Applicant respectfully requests reexamination and reconsideration. To further the prosecution of this application, independent claim 1 has been amended and, in order to afford the Applicant a complete scope of claim coverage, claims 28-36 have been added to the application. The Examiner has already indicated that claims 23-27 are allowed.

On pages 2-4 of the Patent Office Letter, the Examiner has presented a rejection of claims 1-7 and 12-22 under 35 U.S.C. §102(b) based upon the Kato et al. U.S. Patent No. 5,314,036. This patent is directed to a steering angle sensor for detecting the steering angle of a vehicle, which has a signal pattern based on partial changes in the electromagnetic characteristics formed as part of the steering rack bar of the steering gear box. The '036 patent describes the use of a signal detector 16 associated with the toothless back surface of the rack 8. The signal pattern that is used in the '036 apparatus senses the distribution of density and involves a rather complex technique for forming spots 24. Thus, the '036 patent does not teach coded microstructures as in accordance with the teachings of the present invention.

On page 4 of the Patent Office Letter, the Examiner has set forth a rejection of claims 8-11 under 35 U.S.C. §103(a) also relying upon the Wand et al. U.S. Patent No. 4,800,974. In the rejection the Examiner has stated that the Wand et al. reference discloses the details of claims 8-11 of the present application. The Applicant completely disagrees with this position in that there is no teaching in the '974 patent of, in particular, the limitations found in claims 10 and 11. More particularly, there is no teaching in either of the cited references of coded microstructures having a thickness of 100 nm to 100 μ m.

Accordingly, claim 1 has now been amended to define that the coded microstructures have a thickness of 100 nm to 100 μ m. The sensors now defined as positioned for detecting the coded microstructures and outputting an associated measurement signal. The circuit is now defined as receiving the measurement signal and outputting an electronic signal representing a steering condition.

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In connection with the rejection of claims 8-11, the Examiner has referred in particular the Kato et al. U.S. patent to columns 14 and 15. A review of the Kato et al. reference, including columns 14 and 15, indicate no such teaching of the thickness as now set forth in amended claim 1. Accordingly, claim 1 and its related dependent claims should now all be in condition for allowance. In view of the amendments in claim 1, claims 10 and 11 have been canceled from the application.

In the Patent Office Letter, the Examiner has indicated that claims 23-27 are allowed.

In order to afford the Applicant a more complete scope of claim coverage, the Applicant has also added new claims 28-36. These added claims are believed to clearly patentably distinguish over the prior art relied upon by the Examiner and distinguish in particular over the Kato et al. '036 patent. The housing, rack and pinion arrangement of the present arrangement is structurally distinguishable over that shown in the Kato et al. patent, particularly as it relates to the position of the rack 20, pinion 22 and sensor 35. In the present invention it is noted that the pinion 22 and sensor 35 are both outside of the fluid chamber. Note in claim 28 that the device is comprised of a steering shaft comprising a steering rack driven from a pinion with the steering shaft extending through the pressure chamber and having respective ends thereof at opposite sides of the pressure chamber. The pinion is defined as disposed outside of the pressure chamber adjacent one end thereof. Claim 28 also defines the coded microstructures, sensor and a circuit for evaluating the measured signal from the sensor. It is the Applicant's position that claim 28 is distinguishable over the prior art cited by the Examiner.

In addition, the Applicant has also set forth dependent claims 29-36 that recite still further patentably distinguishable features of the present invention.

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In view of the foregoing amendments and remarks, the Applicants respectfully submit that all of the claims pending in the above-identified application are in condition for allowance, and a notice to that effect is earnestly solicited.

If the present application is found by the Examiner not to be in condition for allowance, then the Applicants hereby request a telephone or personal interview to facilitate the resolution of any remaining matters. Applicants' attorney may be contacted by telephone at the number indicated below to schedule such an interview.

The U.S. Patent and Trademark Office is authorized to charge any fees incurred as a result of the filing hereof to our Deposit Account No. 19-0120.

Respectfully submitted,
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